

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

VICTORIA BYRGE CHILDS, )  
Plaintiff, )  
v. ) No. 3:07-CV-85  
MICHAEL J. ASTRUE, ) (Phillips/Guyton)  
COMMISSIONER OF SOCIAL SECURITY, )  
Defendant. )

ORDER

This Social Security appeal is before the court on the report and recommendation filed by United States Magistrate H. Bruce Guyton [Doc. 14]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendations to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1) (2006); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the court is in complete agreement with the magistrate judge's conclusion that there is substantial evidence in this record to support the decision of the administrative law judge that plaintiff has "severe" mental impairments, but is not disabled. The court is likewise in complete agreement with the magistrate judge's conclusion that the record is not supported by substantial evidence that a significant number of jobs exist that a person with plaintiff's mental impairments could perform.

The court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that plaintiff's motion for summary judgment [Doc. 10] is **GRANTED in part**, insofar as plaintiff moved for remand for further proceedings. The defendant Commissioner's motion for summary judgment [Doc. 12] is **DENIED**. The case is **REMANDED** to the defendant Commissioner to determine what, if any, jobs plaintiff is capable of performing. Because of plaintiff's mental impairments, the Commissioner is instructed to consult a qualified vocational expert regarding available jobs.

**IT IS SO ORDERED.**

**ENTER:**

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s/ Thomas W. Phillips  
United States District Judge